

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOHNATHAN A. WHEELER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 5:23-cv-164-TES-CHW
	:	
JOSEPH POLITE, <i>et al.</i>,	:	Proceedings Under 42 U.S.C. § 1983
	:	Before the U.S. Magistrate Judge
Defendants.	:	
	:	

ORDER

Plaintiff has three pending cases before the Court.¹ In each of these cases, Plaintiff filed a document in which he voices concerns that Defendants will seize the opportunity to destroy relevant and beneficial evidence. (Doc. 28). Plaintiff references a discovery stay, presumably in a separate case, but since the filing of this motion, discovery in this matter has also been stayed. (Doc. 38). Without providing any specific details, Plaintiff argues that he has evidence to support his claims across all his cases, and he asks that the Court “block or freeze all Plaintiff’s institutional records.” (Doc. 28). The Court knows of no authority that permits it to order Defendants, some of whom arguably have no control over Plaintiff’s records, to freeze or otherwise preserve unspecified records. To the extent that Plaintiff’s motion could be construed as a motion to compel or as suggesting that there is a spoliation issue, such a motion would be premature at this time because the parties have not exchanged discovery and Plaintiff is not yet in a position to argue what evidence, if

¹ Also pending before the Court are *Wheeler v. Polite*, 5:22-cv-403-MTT-CHW and *Wheeler v. Polite*, 5:23-cv-199-MTT-CHW.

any, has not been preserved. Therefore, Plaintiff's motion (Doc.28) is **DENIED**.

SO ORDERED, this 6th day of June, 2024.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge